

**DOMESTIC VIOLENCE & THE VICTIM EMPOWERMENT
PROGRAMME
JOY WATSON**

- VEP is one of the key programmes of the National Crime Prevention Strategy.
- Formally launched in August 1998, implemented in January 1999.
- Are 4 pillars that underpin the National Crime Prevention Strategy
 - Ø Pillar 1: Making the criminal justice system more effective and efficient.
 - Ø Pillar 2: Reducing crime through environmental design.
 - Ø Pillar 3: Focusing on public values and education.
 - Ø Pillar 4: Reducing cross-border criminal activity.

- **VEP constitutes 1 of 9 programmes Development of 1st pillar of the NCPS.**
- **It is an inter-sectoral, inter-departmental programme that seeks to promote a victim-centred approach to crime prevention.**
- **Does this through the development of services and programmes for victims of crime and violence to minimise the effects of crime on victims.**
- **VEP has a targeted focus on women and children & is based on the principle that the roles and rights of the victim are vital in addressing the effects of crime.**

VEP has the following constituent components to the programme:

- 1. Training with justice and police officials to introduce greater victim sensitivity.**
 - 2. A victim support programme based on surveys of victims experiences of the criminal justice system.**
 - 3. Provide basic info to victims regarding the progress of all cases as well as info that allows victims to lay complaints more easily.**
- The Department of Social Development is the lead agency in implementing the programme, but works in collaboration with other Departments such as Health, Justice, Correctional Services, Police and Education.**

Policy Framework:

**A. Service Charter for Victims of Crime in South Africa
(Based on the tenets of providing support to victims of crime that seeks to eliminate secondary victimisation).**

∅ The Victims' Charter outlines 7 key rights that victims are entitled to:

- 1. The right to be treated with fairness and with respect for dignity and privacy.**
- 2. The right to offer information (participate in criminal justice proceedings (bail, trial, sentencing, Parole Board hearings)).**

- 3. The right to receive information. (being informed of rights in own language, being informed of services, role in case, duration case, status case, prosecutor to inform employer of absence from work).**
- 4. The right to protection. (being free from intimidation & harassment)**
- 5. The right to assistance. (access to social, health & counselling, legal services).**
- 6. The right to compensation. (for loss or damage to property, Clerk of Court to assist with enforcement of order.**
- 7. The right to restitution. (where lawfully dispossessed of good/ damage to property).**

B. The Minimum Standards for Service Delivery in Victim Empowerment

Defines the standards of service delivery expected by Govt in providing support to victims of crime.

Makes specific provisions for victims of domestic violence its shelters, safety and security of victims, health-care inc therapeutic programmes, being consulted wrt the development of their care plan, children having access to an education programme.

NB: Neither the Victims' Charter nor the Minimum Standards define secondary victimisation. Is imperative for all Govt Depts to have understanding of secondary victimisation in order to prevent re-traumatisation through institutional responses to victims.

C. Uniform Protocol on Victim Empowerment

- | Developed by the National Prosecuting Authority.
- | Seeks specifically to address the needs of victims of sexual offences and domestic violence.

D. Integrated Victim Empowerment Policy

Intended to serve as a point of reference regarding the establishment, development and delivery of victim empowerment benefits and services.

Programme Information

- As of August 2009, VEP Project Co-ordinators and Assistants appointed in 8 of the 9 provinces.
- Grants scheme developed and approved by the Project Steering Committee in Feb 2009.
- Programme currently does not have a monitoring and evaluation strategy.
- In the process of conducting feasibility study to create Victim Empowerment legislation

Final Grants 1st Call for Proposals (Sep 2009)

KZN: R 3,693,005.00 (12 grants).

GT: R 4,491,150.00 (10 grants).

LP: R 3,749,930.00 (12 grants).

EC: R 1,939,486.00 (5 grants).

NW: R 1,680,994.00 (4 grants).

WC: R 4,771,737.00 (12 grants).

FS: R 2,676,040.00 (7 grants).

NC: R 146,025.00 (1 grant).

MP: R 1,633,000.00 (3 grants).

TOTAL: R 24,781,367.00 (66 grants).

Challenges

- | Various studies attest to fact that VEP currently not working effectively.
- | Victims rights being seriously undermined through secondary victimisation.

Court-related problems

- | Negative experiences in court: Victims often back out of prosecution due to a lack of appropriate support.
- | Postponement of cases: Lengthy delays in court cases = impediment to protecting victims. Clogged up court rolls a problem.
- | Need for specialised courts that deal with DV. Lack of sensitised prosecutors and magistrates a problem. Little infrastructure in & support in Family Courts.
- | Need for training clerks of court: often insensitive.
- | Access to court after hours: DVA provides for hearing an application for PO after hours if undue hardship is suffered.

Police-related problems contd

- | Failure to maintain a DV Register. Police also not allocating correct crime codes to DV. Compounded by fact that not regarded as crime in own right but at times classified as assault, rape, attempted murder.
- | Lack of integrated database: There is a need to set systems in place to cross check complaints such as the status of a PO and to track multiple offenders.
- | Expedite forensic testing: police need to be properly trained in techniques for collecting DNA evidence & methods of preservation.
- | Need to sensitise SAPS through appropriate training. Police still largely ineffective, insensitive & inaccessible.

Police-related problems (from ICD Complaints, 2007)

- | Failure to serve the PO on respondent.
- | Failure to confiscate firearms.
- | Failure to open a criminal docket and refer a matter for prosecution.
- | Failure to advise a complainant of options such as applying for a PO, laying a criminal charge or both.
- | Failure to effect a warrant of arrest.
- | Failure to serve a subpoena to a respondent.
- | Failure to keep a victim of domestic violence safe.
- | Failure to assist a complainant (finding a suitable shelter, getting medical treatment, accompanying victim to collect personal property).
- | Failure to ensure court order executed properly.

Lack of Shelters and Housing

- | Severe lack of registered shelters & safe houses for women & children. Most shelters funded largely by women's organisations.
- | Need to work into housing policy.

Conclusion

- | State still has a long way to go in providing support to victims DV.
- | Need to hear women's voices in process of responding to victims' needs.
- | Govt needs to ensure adequate resources invested into initiatives. (also at level of prevention).
- | Move beyond political rhetoric to action.